

1 **McGINNIS WUTSCHER BEIRAMEE LLP**

2 Patrick J. Kane (SBN 273103)
3 402 West Broadway, Suite 400
4 San Diego, California 92101
5 Telephone: (619) 618-2874
6 Facsimile: (866) 581-9302

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8 Attorneys for Defendant
9 BBVA Compass Insurance Agency, Inc.

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JACK D. HARRISON AND NAOMA)
HARRISON,)
Plaintiffs,) Case No.: 13 CV 1682 DMS JMA
v.)
BANKERS STANDARD)
INSURANCE COMPANY, ACE)
PROPERTY AND CASUALTY)
INSURANCE COMPANY,)
AMERICAN FAMILY MUTUAL)
INSURANCE COMPANY AND)
BBVA COMPASS INSURANCE)
AGENCY, INC. AND DOES 1)
THROUGH 50)
Defendants.)
Hearing Date: May 9, 2014
Judge: Hon. Dana M. Sabraw
Time: 1:30 p.m.
Dept: 13A

Defendant BBVA Compass Insurance Agency, Inc. (“Compass”), by its
attorneys, hereby joins Bankers Standard Insurance Company’s (“Bankers”)
Opposition to Plaintiffs Jack D. Harrison and Naoma Harrison’s (“Plaintiffs”)

1 Motion for Leave to Amend and File the Second Amended Complaint. Compass
2 joins Bankers' opposition for the following reasons:

3 1. Plaintiffs' reason for requesting leave is to plead new facts they
4 purportedly discovered recently. However, Plaintiffs have not propounded any
5 discovery or taken any depositions. There are no "new facts" here.

6 2. Instead, a close examination of the second amended complaint
7 demonstrates that Plaintiffs' purported "new facts" are actually just additional
8 arguments and allegations. As such, this Court should deny Plaintiffs' request.

9 3. In addition, Plaintiffs' requested amendment is vague and ambiguous
10 as Plaintiffs fail to distinguish between Bankers and Compass. Given that both
11 entities have been sued, and under different theories of liability, Plaintiffs must
12 clarify which entity they are making allegations against. The proposed second
13 amended complaint does not do so, and therefore this Court should deny
14 Plaintiffs' request.

15 4. If this Court grants Plaintiffs' Motion, then Compass requests it be
16 allowed to file a motion to dismiss. Compass requests this because meritorious
17 grounds exist to dismiss several of Plaintiffs' "new" causes of action as a matter
18 of law.

19 Wherefore, Compass hereby joins Bankers' opposition and requests this
20 Court to deny Plaintiffs' Motion for Leave to Amend and File the Second
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1 Amended Complaint and that the Court provides such further relief as it deems
2 just and appropriate.

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6 Dated: April 25, 2014

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San Diego, California 92101
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Facsimile: (866) 581-9302
*Attorneys for BBVA Compass Insurance
Agency, Inc.*

Certificate of Service

The undersigned, an attorney, hereby certifies that a true and correct copy of the foregoing document and any related exhibits was served this **April 25, 2014**, by electronic mail on the following:

Attorney for Plaintiffs

James B. Panther, Esq.
International Law Group, A.P.C.
2794 Gateway Road
Carlsbad, CA 92009
Email: jpanther@pantherlaw.com

Attorneys for Bankers Standard Insurance Company, Inc.

Joan Selleck
Cozen O'Connor
501 West Broadway, Suite 1610
San Diego, CA 92101
Email: jselleck@cozen.com

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Patrick J. Kane